

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB173**

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**Hearing Date:** Wednesday February 22, 2017  
**Committee On:** Judiciary  
**Introducer:** Morfeld  
**One Liner:** Prohibit discrimination based upon sexual orientation and gender identity

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

<b>Aye:</b>	6	Senators Baker, Chambers, Hansen, Krist, Morfeld, Pansing Brooks
<b>Nay:</b>	1	Senator Halloran
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Ebke

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**Verbal Testimony:**

**Proponents:**

Senator Adam Morfeld  
Gwendolen Hines  
Vincent Litwinowicz  
Danielle Conrad  
Nikki Archer  
  
Vicki Graeve-Cunningham  
Spencer Danner Jr  
Kimberly Taylor-Riley  
Daniel Marquez  
Susan Dinsmore  
Mary Boschult  
  
Lucas Peterson  
Danielle Savington  
Jean Durgin-Clinchard  
Katherine Parrish  
Billie Grant  
Reuben Erickson  
Chelsea Lemburg  
Abby Swatsworth  
Kaleigh Nelsen  
  
Michael Jensen  
Eli Rigatuso  
Nathan Leach  
Catherine Souliere  
Allisyn Mills  
Stan Odenthal

**Representing:**

Introducer  
Unitarian Church of Lincoln  
self  
ACLU  
Lincoln Chamber of Commerce & Young Professionals Group  
Greater Omaha Chamber  
City of Omaha  
Lincoln Commission on Human Rights  
Star City Pride & Young Professionals for Credit Unions  
self  
League of Women Voters of Lincoln & Lancaster County  
self  
self  
self  
River City Gender Alliance  
self  
self  
self  
Outlinc  
National Association of Social Workers - Nebraska Chapter  
self  
self  
self  
self  
self  
Nebraska Equal Opportunity Commission

**Opponents:**

Jim Jaksha  
 Larry Storer  
 Kellie Fidorek  
 Jonathan Alexandre  
 Matthew Heffron  
 Tom Venzor  
 Mark Bonkiewicz  
 Karen Bowling  
 Roger Sellen  
 Louis Safranek  
 Rob Rohrbough  
 John Dockery  
 Eileen Safranek  
 Victor Stevenart  
 Doug Wittmann

**Representing:**

Lifewater Counseling  
 self  
 Alliance Defending Freedom  
 Liberty Counsel  
 Thomas More Society  
 Nebraska Catholic Conference  
 self  
 Nebraska Family Alliance  
 Nebraskans for Founders Values  
 self  
 Nebraskans for Founders Values  
 Nebraskans for Founders Values  
 self  
 Nebraskans for Founders Values  
 Win It Back

**Neutral:****Representing:****Summary of purpose and/or changes:**

LB 173 seeks to add sexual orientation and gender identity to the list of classes protected from discrimination in employment under Nebraska law.

Section 20 of the bill provides a definition of "sexual orientation" for purposes of the changes as being "actual or perceived homosexuality, heterosexuality, or bisexuality." Section 20 further defines "gender identity" as being "the actual or perceived appearance, expression, identity or behavior of an individual, whether or not that appearance, expression, identity, or behavior is different from the individual's assigned sex at birth."

Under Neb. Rev. Stat. Sec. 18-1724, cities and villages in Nebraska have the power to - by ordinance - define, regulate, suppress and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, familial status, handicap, age, or disability in employment, public accommodation, and housing. Section 1 of LB 173 would add sexual orientation and gender identity to this list.

The Nebraska Fair Employment Practice Act, Neb. Rev. Stat. Sec. 48-1101, et seq., contains a number of different provisions to prohibit discrimination in employment because of race, color, religion, sex, disability, marital status or national origin. LB 173 would add sexual orientation and gender identity to this list.

Counties with a population of 150,000 to 300,000 inhabitants are governed by the County Civil Service Act. Under this act, the board of commissioners is required to adopt rules and regulations that prohibit disqualification from employment because of race, sex, unless it constitutes a bona fide occupational qualification, or national origin, physical disability, age, political or religious opinions or affiliations, or other factors which have no bearing upon the individual's fitness to hold the position. Section 2 of LB 173 would add sexual orientation and gender identity to this list. Section 3 would prevent discrimination based on sexual orientation and gender identity in any aspect of personnel administration under the County Civil Service Act.

County boards of a county with a population of less than 150,000 inhabitants are permitted to create a personnel policy board and adopt personnel rules and regulations. If a board is created and rules and regulations are adopted, they may provide for prohibiting discrimination in employment solely because of race, sex, national origin, physical disabilities, age, political or religious opinions or affiliations, or other factors which have no bearing upon the individual's fitness to hold the position. Section 4 of LB 173 would add sexual orientation and gender identity to this list. LB 173 would not require a board to be created, rules and regulations to be adopted or the rules and regulations to include a

discrimination provision.

Under existing law, it is unlawful for any producer, manufacturing or distribution of military material or equipment or supplies for the State of Nebraska or the government of the United States to refuse to employ a qualified person on account of that person's race, color, creed, religion or national origin. Section 6 of LB 173 would amend Neb. Rev. Stat. Sec. 48-215 to add sexual orientation and gender identity to this list.

Applicants for unemployment compensation benefits are disqualified for leaving work voluntarily without good cause. Under current law, good cause for voluntarily leaving employment includes leaving employment because of unlawful discrimination or workplace harassment on the basis of race, sex or age. Section 7 of LB 173 would amend Neb. Rev. Stat. Sec. 48-628.01(8) to add sexual orientation and gender identity to this list.

Current state law prohibits discrimination in state employment on the basis of race, color, religion, national origin, age, sex, marital status, or physical or mental disability. LB 173 would add sexual orientation and gender identity to this list.

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Laura Ebke, Chairperson